IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15989 of 2004

Between:

Sri Vivekananda U.P.S., H.No. 1-2-607/23/1/E/B, near,
Ashoknagar Bridge, Ambedkarnagar, Hyderabad, rep by its Correspondent,
Smt L. Vijayalakshmi, W/o. L. Upender

... PETITIONER

AND

1 The District Educational Officer, Hyderabad District, Exhibition Grounds,
M.J. Road, Nampally, Hyderabad.
2 The Correspondent, Sri Sidhartha High School,
H.No. 1-2-607/23/1B, New Ambedkarnagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in not initiating any action against the 2nd Respondent starting the school without any permission and recognition from the competent authority under the A.P. Education Act 1982 as illegal and in contravention of the provisions of A.P. Education Act 1982 & the Rule made there under and consequently direct the 1st Respondent to initiate appropriate action against the 2nd Respondent for starting the school in violation of the provisions of A.P. Education Act 1982 and Rule made there under and further direct closure of the school started by the 2nd Respondent herein and pass

Counsel for the Petitioner: MR.POTTIGARI SRIDHAR REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following order:

ORDER:

Petitioner, who established a school near Ashoknagar Bridge, Ambedkarnagar and obtained permission to start Upper Primary School i.e. Class I to VII, vide proceedings No.17792/A5/Perm./03 dated 30.12.2003 issued by the Respondent No.1, filed the present writ petition.

2. Petitioner's grievance is that the second respondent started a school in the name and style of Sri Siddhartha High School at Ambedkarnagar Colony, contrary to the Andhra Pradesh Education Act 1982 & the Rules framed thereunder. In fact, the said Sri Siddhartha High School is located at B.N.Nagar, near Indira Park and the second respondent styling herself as Principal and Correspondent of the High School filed O.S.No.3472 of 2003 on the file of the X Junior Civil Judge, City Civil Courts, Hyderabad, and also filed I.A.No.486 of 2003 seeking temporary injunction which was not granted. Now she claims that she has shifted the school from B.N.Nagar, Indira Park to new premises at Ambedkarnagar, which is within 150 yards from the petitioner's school; the same cannot be permitted and the respondents have not taken any action.

3. District Educational Officer-first respondent filed a counter stating that earlier Smt. Putli Bai was Correspondent of Sri Siddhartha High School and she was removed from the said post by the President of the Society, who is the owner of the building. In fact, the said school that is being run at B.N. Nagar is not shifted to Ambedkarnagar as indicated by the

petitioner but whereas Smt. Putli Bai started a school at Ambedkarnagar advertising that it was shifted from Indira Park to the new premises. Accordingly, on the complaint so received an enquiry was ordered and a report was submitted on 26.07.2004. In view of the same necessary action will be taken under the rules.

4. Learned Government Pleader submits that the matter was referred to Regional Joint Director on 17.10.2004 for taking appropriate action against the school, which is established without obtaining prior permission.

5. In view of the same, the respondents have to see that the Rules are complied in establishing new schools and pass appropriate orders after due notice. In the event, if the school, which is newly established, has to be closed down they have to pass appropriate orders after due notice to the parties subject to the orders if any passed by the Civil Court.

The writ petition is accordingly disposed of. No costs.

_____

A. GOPAL REDDY, J

October 27, 2004

Dsk/Mrr

To

1 The District Educational Officer, Hyderabad District, Exhibition Grounds, M.J. Road, Nampally, Hyderabad.

2 The Correspondent, Sri Sidhartha High School, H.No.1-2-607/23/1B, New Ambedkarnagar, Hyderabad.

3 Two CCs to GP For Education, High Court Buildings, Hyderabad (OUT)

4 Two CD Copies.